

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
October 5, 2003
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at: 9:37 a.m.

Council Present: Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Council Absent: Tribal Chairman Frank Ettawageshik

Legal Staff Present: General Counsel James Bransky

Staff Present: See Attached list

Guests: See attached list

Opening Ceremony – Treasurer Alice Yellowbank

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank, to adopt the agenda of October 5, 2003.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve the corrected minutes of September 21, 2003 as corrected with the time of the closed session to be corrected by the Secretary.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara, to accept the Tribal Administrator's verbal and written report for October 5, 2003.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik) 0, Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank, and supported by Secretary Dexter McNamara to give a directive authorizing the hiring of a non-Tribal applicant to fill the Surveillance Manager position in the Regulatory Department.

Vote: 1 Yes, 4 No (Councilor Fred Harrington, Jr., Secretary Dexter McNamara, Vice-Chairperson Beatrice A. Law, Councilor Regina Bentley), 1 Absent (Tribal Chairman Frank Ettawageshik), 1 Abstained (Councilor Rita Shananaquet).
Motion Failed

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to deny the request to hire non-Tribal applicants to fill the

Surveillance Manager and Mental Health Therapist positions until the directors of those programs provide evidence that they have developed a plan to hire non-Tribal applicants on a contractual basis to prevent permanently placing these positions out of reach of Indian applicants.

Vote: 4 Yes, 2 No (Vice-Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Dexter McNamara to approve mailing costs of \$5,000 used to support the Distribution Plan to come from the General Fund – General Welfare Line item.

Vote: 5 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 1 Abstained (Councilor Regina Bentley)
Motion Carried

10:41 a.m. Recess called.

10:58 a.m. Meeting reconvened

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Bentley to accept the Treasurer's Report provided by Valerie Tweedie, C.P.A: C.F.O. October 5, 2003.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to accept the Chairman's verbal report as given by the Vice-Chairperson Beatrice A. Law for October 5, 2003.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to direct the Tribal Administrator to terminate the employment of the Gaming Regulatory Director effective October 10, 2003.

11:27 a.m. Recess called

11:38 a.m. Meeting reconvened

Vote: 3 Yes, 3 No (Councilor Fred Harrington, Jr., Councilor Regina Bentley, Councilor Rita Shananaquet), 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Failed

Motion made by Secretary Dexter McNamara to move personnel oversight of the Gaming Regulatory Commission staff from the Tribal Administrator back to the Gaming Regulatory Commission which is in keeping with the unanimous Tribal Council motion of September 8, 2002 that the Gaming Regulatory Commission personnel policies stand as written today and cannot be changed until they are merged with the governmental operations personnel policies. This motion also clarifies the Gaming Regulatory Commission Ordinance (Waganakising Odawak Statute 2002-02), which states that the Gaming Regulatory Commission shall be

authorized to employ such staff and/or consultants as reasonably may be required to fulfill their responsibilities under their ordinance.

Motion Withdrawn

12:08 p.m. Public Comment: Carol McFall, Catherine Laba

12:09 p.m. Public comment closed

12:09 p.m. Lunch recess called until 1:30 p.m.

1:45 p.m. Meeting reconvened

Motion made by Treasurer Alice Yellowbank and supported by Councilor Rita Shananaquet to accept the Legal Department's report for October 5, 2003, as presented by General Counsel James Bransky.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #100503-01 Adoption of Gaming Revenue Allocation Plan.

Roll Call Vote: Tribal Chairman Frank Ettawageshik-absent, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr., -yes, Councilor Regina Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #100503-02 Litigation Support Request.

Roll call Tribal Chairman Frank Ettawageshik-absent, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Bentley-yes

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #100503-03 Request for Trust Acquisition, Kings Inn, 1020 S. Nicolet Street, Mackinaw City, MI.

Roll Call: Tribal Chairman Frank Ettawageshik-absent, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr., -yes, Councilor Regina Bentley-yes

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #100503-04 Request For Trust Acquisition, Nicolet Street Property Mackinaw City.

Roll Call: Tribal Chairman Frank Ettawageshik-absent, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr., -yes, Councilor Regina Bentley-yes

Motion carried

2:34 p.m. Recess called

2:43 p.m. Meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to authorize preparation and filing of motion for leave to file amicus brief and amicus brief in the Michigan Supreme Court with the other effected Tribes if Legal Department determines it is advisable to do so.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to authorize retention of Kanji & Katzen in conjunction with Drummond Woodsum jointly with other Tribes party to the compacts at issue to aid in drafting amicus filings in the Michigan Supreme Court in the TOMAC litigation if Legal Department determines it is advisable to do so and has adequate funds in it's 2003 budget.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank, and supported by Secretary Dexter McNamara to schedule a Tribal Council work session for Friday, November 7, 2003.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank, and supported by Secretary Dexter McNamara to amend the previous motion to include the reason for the work session is to work on the Draft Constitution and to allow all Tribal Council to attend.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to accept the Education Commission 3rd Quarter report presented October 5, 2003 as presented by Catherine Laba.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to accept the Election Boards 2003 3rd Quarter report verbal and written, presented by Chairperson Denise Petoskey.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Secretary Dexter McNamara, and supported by Councilor Fred Harrington, Jr., to accept the verbal and written report from Commissioner Marcia Sutton of the Enrollment Commission.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to accept the verbal and written report from Sheran Patton of the Gaming Administration.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to accept the verbal and written report for the Health Commission, from Carol McFall of the Health Commission.

Vote: 5 Yes, 0 No, 2 Absent (Tribal Chairman Frank Ettawageshik, Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Bentley to authorize attendance for all Tribal Council Members to the Michigan Health Director Quarterly meeting at Victories Hotel on October 14, 2003, to include stipend, mileage, lodging and per diem.

Vote: 5 Yes, 0 No, 2 Absent (Tribal Chairman Frank Ettawageshik, Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to change the Burial Fund policy in accordance with the Tribal Council Executive Assistant's proposal that Burial Assistance Funds are only provided through direct payment or re-imbursement with receipts as a result of funeral and burial costs.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve Burial Fund request #A0059 for \$2,818.54.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve Burial Fund request #A0060 for \$3,154.50.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to approve Burial Fund request #A0061 for \$5,000.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

3:47 p.m. Councilor Rita Shananaquet leaves

3:54 p.m. Councilor Rita Shananaquet returns

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve Enrollment list "A" Eligible for Membership, September 19, 2003.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve Enrollment list "B" Declination In-eligible September 19, 2003.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve the government-to-government agreement between Charlevoix, Emmet County and Little Traverse Bay Bands of Odawa Indians in the G.I.S. Implementation Plans and authorize the Tribal Chairman Frank Ettawageshik to sign the agreements.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

4:10 p.m. Recess called

4:17 p.m. Meeting reconvened

4:18 p.m. Public Comment

4:19 p.m. Public Comment closed

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., as presented by Mary Morrison, Netcom group to bring the Little Traverse Bay Bands of Odawa Indians Clinic on to the government network and phone system with authorization of \$35,696.92 from 3rd party billing, Tribal Clinic, and have the Tribal Chairman Frank Ettawageshik sign the contract.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to increase the Education Commission Budget in the amount of \$4,000 to come from the General Fund.

Vote: 5 Yes, 1 No (Councilor Rita Shananaquet), 1 Absent (Tribal Chairman Frank Ettawageshik) 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #100503-05 Approval of FY 2003 Tribal Transportation Improvement Program.

Roll Call Vote: Tribal Chairman Frank Ettawageshik-Absent, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr., -yes, Councilor Regina Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt Resolution #100503-06 First Nations Development Institute Grant Authorization.

Roll call: Tribal Chairman Frank Ettawageshik-absent, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr., -yes, Councilor Regina Bentley -yes

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Bentley to permit Kathy Bingham Olson, Little Traverse Bay Bands Substance Abuse Department to mass mail a Youth Development questionnaire and to request Enrollment Department to run labels of the Little Traverse Bay Bands Tribal Members within the Emmet, Cheboygan, Charlevoix area.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt Resolution #100503-07 SAMHSA/CMHS Child Mental Health Initiative RFA #SMH –03-009 Cooperative Agreement Inter-Tribal Council of Michigan, Inc., Nbwakawn Circles of Care Program.

5:39 p.m. Councilor Regina Bentley leaves

Roll call: Tribal Chairman Frank Ettawageshik-absent, Vice-Chairperson Beatrice A. Law-no, Treasurer Alice Yellowbank-no, Secretary Dexter McNamara-no, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr., -yes, Councilor Regina Bentley-absent

Motion failed

5:40 p.m. Councilor Regina Bentley returns

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Bentley to approve any Tribal Council to attend the M.A.S.T. meeting in Sault Ste. Marie October 28-29, 2003.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained

Motion Carried

5:43 p.m. Motion made by Secretary Dexter McNamara and supported by Councilor Rita Shananaquet to go into Executive Session.

Vote: 3 Yes, 2 No (Councilor Regina Bentley, Councilor Fred Harrington, Jr.), 2 Absent (Councilor Rita Shananaquet, Tribal Chairman Frank Ettawageshik), 0 Abstained

Motion Carried

5:53 p.m. Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Bentley to go out of closed session.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained

Motion Carried

5:54 p.m. Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Bentley to adjourn.

Vote: 6 Yes, 0 No, 1 Absent (Tribal Chairman Frank Ettawageshik), 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date